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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

UNITED STATES OF AMERICA

1:23-cr-00254-MC

v.

**GOVERNMENT'S THIRD
SUPPLEMENTAL EXPERT NOTICE**

**NEGASI ISHAIAH ZUBERI, aka
JUSTIN JOSHUA HYCHE,**

Defendant.

The United States of America hereby provides notice of its intent to call the following expert witness at trial under Federal Rule of Criminal Procedure 16(a)(1)(G). The United States reserves the right to further supplement its expert notices before or during trial. A three-week trial is currently scheduled to begin the week of October 7, 2024.

In addition to the experts previously included in the government's July 16, 2024, notice (ECF No. 127), August 30, 2024, notice (ECF No. 149), and September 17, 2023, notice (ECF

No. 155) the United States also intends to call the following expert witness at trial: Bryan D. Chiles. Mr. Chiles was already included in the government's Supplemental Expert Witness Notice dated August 30, 2024. We are now simply adding some additional language to the notice.

The proposed expert testimony will assist the trier of fact in understanding the relevance and significance of the government's evidence. Fed. R. Evid. 702. The United States has provided, or will be providing, defendant with copies of the experts' CVs or resumes in discovery. In addition, the United States has provided, or will be providing, in discovery signed copies of the reports underlying the testimony of each witness who produced a signed report. Each witness has reviewed, approved, and signed their expert disclosures. Depending on stipulations and what evidence will be presented to the jury, the United States might not call the previously noticed experts.

Bryan D. Chiles, Senior Manager with Axon Forensics, Axon Enterprise, Inc. (TASER Pulse)

Expected Testimony: The government intends to call Mr. Chiles to testify regarding the general functionality and capabilities of the TASER Pulse and cartridges that were seized by law enforcement in this case. Mr. Chiles has reviewed photographs of the TASER Pulse and two cartridges and will also be able to testify regarding the serial numbers of the items, whether those items were part of a "kit" sold by Axon Enterprises, Inc ("Axon") containing a TASER Pulse and two cartridges, and who the "kit" was sold to. Mr. Chiles will also be able to testify regarding the manufacturing date of the seized TASER Pulse based on its serial number. Mr. Chiles is expected to testify that the seized TASER Pulse and one of the cartridges came from one "kit" and the other cartridge came from a different kit.

In the course and scope of his employment, Mr. Chiles has reviewed hundreds of TASER wounds. Mr. Chiles reviewed a video that was represented to him to be a video of a victim in this case. In the video, he observed injuries that were in his opinion consistent with the use of a TASER Pulse.

Bases and Reasons: Mr. Chiles' testimony and related opinions are based on his examination of pictures of the TASER Pulse and cartridges, examination of the above referenced video, and also his training, education, experience, and expertise in the electronics and test equipment industry and as an employee of Axon.

Qualifications Including Publications: Mr. Chiles' full qualifications are outlined in his CV. Mr. Chiles has worked for Axon since 2005 and has twenty-five years of experience in the electronics and test equipment industry. Mr. Chiles has had several roles at Axon, including roles in Research & Development, Validation Testing, and Product Compliance. Currently, Mr. Chiles is a Senior Manager with Axon Forensics, and manages and conducts forensic analysis for Axon customers, attorneys, and civilians. In 1998, Mr. Chiles received an Associate Degree in Electronics (with honors) from DeVRY University in Pomona, California. Mr. Chiles also received additional general credits from two California colleges. Mr. Chiles publications within the last ten years are set forth in his CV, and include:

- Electrical Weapon Charge Delivery with Arcing - 2018 – Chiles, Nerheim, Brave, Panescue, Kroll - IEEE EMBC 2018.
- TASER CEW Wire Analysis – 2019 – Chiles, BD – Researchgate 2019.
- Conducted Electrical Weapon Controlled-Charge Delivery –2020 - Chiles, B., Nerheim, M., Brave, M., Panescu, D., Kroll, M.W. - Conf Proc IEEE Eng Med Biol Soc, vol. 42, pp. tbd, and Conf. Of Canadian Medical and Biological Engineering Society, August 2020.

- Estimation of Physiological Impedance from Neuromuscular Pulse Data. Chiles, B.D., Nerheim, M.H., Markle, R.C., Brave, M.A., Panescu, D., Kroll, M.W. Conf Proc IEEE Eng Med Biol Soc, vol. 43, November 2021.
- Acoustical and Electrical Analysis of Arcing with Electronic Control Devices. Chiles, B.D., Nerheim, M.H., Markle, R.C., Brave, M.A., Panescu, D., Kroll, M.W. Conf Proc IEEE Eng Med Biol Soc, vol. 43, November 2021.
- Output of Electronic Muscle Stimulators: Physical Therapy and Police Models Compared. Kroll, M.W., Perkins, P.E., Chiles, B.D., Pratt, H., Witt, K.K., Luceri, R.M., Brave, M.A., Panescu, D. Conf Proc IEEE Eng Med Biol Soc, vol. 43, November 2021.

Prior Testimony: In the last four years, Mr. Chiles has testified in state or federal court

(including a court in Alberta, Canada) as an expert in the following cases:

Adkins v. Roberts	Northern District of Florida	December 2020
R. v. Lindsay	Court of Queen's Bench of Alberta	July 2021
Edward O'Brien v. Stephen Murphy, et al	Eastern District of Missouri	October 2021
Oklahoma v. Joshua Taylor, et al	District Court of Carter County	November 2021
Ryan A. O'Neal v. City of Phoenix, et al	District of Arizona	February 2022
Kimberly Beck, et al v. US	District of New Mexico	March 2022
Nunis, et al vs. City of Chula Vista	Southern District of California	May 2022
Underwood, et al v. Axon Enterprise, et al	Middle District of Georgia	May 2022
Louisiana v. McCarter, Johnson, et al	Caddo Parish First Judicial District Court	June 2022
Axon Enterprise, v. Luxury Home Buyers	District of Nevada	October 2022
People v. Juan Delacruz	Harris County District Court (Texas)	October 2022
Apollo v. Forest Park, et al	Northern District of Illinois	October 2022
Burke v. Bartlesville, et al	Northern District of Oklahoma	October 2022
Florida v. Sergio Perez	Dade County Circuit Court	February 2023
US v. Corey Posey	Southern District of Indiana	June 2023
Florida vs. Othal Wallace	Volusia County Circuit Court	August 2023
US v. Corey Posey	Southern District of Indiana	September 2023
Florida vs. Othal Wallace	Volusia County Circuit Court	September 2023
California v. Mary Jean O'Connor	Superior Court of Los Angeles County	October 2023
Nunis, et al v. City of Chula Vista, et al	Southern District of California	April 2024

New York v. Tyrese Haspil	Supreme Court of New York	May 2024
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/s/ Bryan Chiles September 26, 2024

Dated: October 2, 2024

Respectfully submitted,

NATALIE K. WIGHT
United States Attorney

s/ Marco A. Boccato
MARCO A. BOCCATO
Assistant United States Attorney